

REMARKS

Claims 1-49 were originally presented in the subject divisional application. Claims 1, 8, 24, 27, 35, 39 and 42 have hereinabove been amended to more particularly point out and distinctly claim the subject invention. No claims have herein been added or canceled. Therefore, claims 1-49 remain in this case. (Claims 15-23, 30-34 and 45-49 have been allowed.)

The addition of new matter has been scrupulously avoided. In that regard, support for the common amendment to claims 1, 24, 35 and 39 can be found in the present application at, for example, paragraph 0027. Similarly, support for the common amendment to claims 8, 27 and 42 can be found at, for example, paragraph 0028.

Applicants respectfully request reconsideration and withdrawal of the sole ground of rejection.

35 U.S.C. §102 Rejection

The Office Action rejected claims 1-14, 24-29 and 35-44 under 35 U.S.C. §102(b), as allegedly anticipated by Krishna (U.S. Patent No. 5,412,804). Applicants respectfully, but most strenuously, traverse this rejection.

As an initial matter, Applicants submit that Krishna is improperly applied against the claims of the present application as nonanalogous art.

The determination that a reference is nonanalogous art involves two steps. *Heidelberger Druckmaschinen AG v. Hantscho Commercial Products Inc.*, 30 U.S.P.Q.2d 1377, 1379 (Fed. Cir. 1994); *In re Wood*, 599 F.2d 1032, 202 U.S.P.Q. 171, 174 (CCPA 1979). First, the reference is reviewed as to whether it is within the field of the Applicants' endeavor. *Id.* Second, if the reference is not in the field of endeavor, then a determination is made as to whether the reference is reasonably pertinent to the particular problem the inventor sought to solve. *Id.*

In determining what the field of endeavor is, courts have looked to the field of endeavor set out in a patent or patent application. See, e.g., *In re Wood and Eversole*, 202 U.S.P.Q. 171 (CCPA 1979).

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In the present case, the technical field, as set forth in paragraph 0003, relates to information processing systems, and in particular relates to techniques for optimizing information processing paths within these systems.

In contrast, the technical field of Krishna is directed to database management systems generally, and in particular to the optimization of database queries (the specification focuses on SQL). See the Technical Field in column 1 of Krishna. In other words, Krishna is directed to relational databases. Still more particularly, Krishna relates to un-nesting nested database queries by distinguishing between joining and anti-joining tuples during an outer join operation.

Thus, Applicants submit that Krishna is not within the field of Applicants' endeavor. We turn next to whether the Krishna is reasonably pertinent to the problem sought be solved by the present invention.

As set forth in the present application, the particular problem with respect to publish/subscribe systems is the need to consolidate transform operations at the periphery of the network, and select operations at the interior, so that existing techniques for efficient content-based subscription can be used as the basis for an optimized implementation of middleware. See, generally, the Background of the Invention.

In contrast, Krishna is directed to a completely different type of system from a publish/subscribe system, i.e., a relational database, and seeks to optimize SQL queries. It is not immediately apparent from Krishna, for example, whether any techniques therein can be applied outside relational databases, or, if so, whether any modifications or additions would be necessary to do so. Thus, Applicants submit Krishna is not reasonably pertinent to the particular problem sought to be solved by the present invention.

Therefore, Applicants submit that Krishna is improperly cited against the present application as nonanalogous art.

With respect to the anticipation rejection, it is well settled that a claimed invention is not anticipated unless a single prior art reference discloses: (1) all the same elements of the claimed invention; (2) found in the same situation as the claimed invention; (3) united in the same way as the claimed invention; (4) in order to perform the identical function of the claimed invention. In

this instance, Krishna fails to disclose at least one element of each of the independent claims and as a result does not anticipate, or even render obvious, applicants' invention.

As set forth in the present application at paragraph 0027, a "select operation" looks at the value of the input, and if the input meets specified criteria, then the value is passed on; if it does not meet the criteria, the value is not passed on. Each of claims 1, 24, 35, 39 has been amended to make clear that the claimed select operation comprises determining whether input data satisfies one or more criteria.

Against the "select operation" aspect of these claims, the Office Action points to the operation at column 14, lines 32-58 of Krishna that just happens to be named "select." However, that is where the similarity to the claimed select operation ends. Applicants submit that no determination is made in the converted single SQL query of Krishna as to whether input data satisfies one or more criteria.

Therefore, Applicants submit that none of claims 1, 24, 35 or 39 can be anticipated by, or made obvious over, Krishna.

Similarly, as set forth in the present application at paragraph 0028, a "transform" operation refers to transforming a value in accordance with a mathematical formula. Each of claims 8, 27 and 42 has been amended to make clear that the claimed single transform operation comprises transforming according to a mathematical formula.

Against the single transform operation aspect of claims 8, 27 and 42, the Office Action again points to Krishna at column 14, lines 32-58. Krishna seeks to optimize SQL queries in a relational database, and Applicant submits that no transform in the sense of a mathematical formula is taking place.

Therefore, Applicant submits that none of claims 8, 27 or 42 can be anticipated by, or made obvious over, Krishna.

CONCLUSION

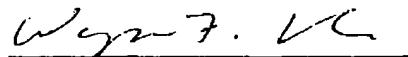
Applicants submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations, and expressly reserve the right in the future to further argue the specific limitations thereof, and to argue against any alleged teaching of Krishna in the Office Action with respect thereto.

Applicants acknowledge the references cited in the Office Action, but not substantively applied. However, Applicants do not necessarily agree with the descriptions thereof presented in the Office Action, nor that the cited art is even relevant or analogous, and expressly reserve the right to present different or opposing descriptions thereof in the future. Applicants are not doing so at this juncture, since the art is not being substantively cited.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-14, 24-29 and 35-44 (claims 15-23, 30-34 and 45-49 have already been allowed).

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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Dated: February 17, 2005.

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